

REMARKS

Claims 1-20 are pending in the subject application. After entry of the above amendments to the claims, claims 1-5, 7-11, 15, 17, 19 and 20 have been amended. The Examiner is respectfully requested to reconsider the rejection of the claims in view of the above amendments and remarks as set forth herein below.

1. Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bail (GB 2184588) in view of Phelps (U.S. 5,033,964). This rejection is respectfully traversed.

The rejection does not provide a prima facie case of obviousness under 35 U.S.C. § 103. Neither Bail or Phelps disclose the use of a linear high density multi-dimensional type bar code (e.g. two dimensional bar code or matrix bar code) according to the claimed combination. Specifically, the bar code of Bail is not multi-dimensional bar coding, but instead is a plurality of one (1) dimensional bar codes placed in a multi-row format where the rows contact each other, and Phelps does not disclose bar code at all. Thus, this rejection is improper, and fails to provide a factual basis for the rejection.

Further, in the rejection it is stated that “that it would have been obvious to provide the pages of documents of Bail with both the Braille type bar coding and other printed matter for the purpose of providing books that are usable by both sighted people and visually impaired people. Furthermore additional printed or displayed matter is considered to be a design choice since the

applicants clearly state that their book may not have any additional printed matter (see Applicant's specification page 15, lines 15-20)."

In contrast with the claimed invention, the bar coded document disclosed by Bail is only provided with bar coding and no other printed matter, as shown in Figure 3. The removable page 4A disclosed by Phelps and shown in Figure 4, includes the combination of text and tactile type Braille (i.e. not combined text and bar code or in particular Braille type bar code). The teaching of Phelps (i.e. combined text and tactile type Braille) cannot be applied to the document of Bail, since Bail requires bar code and Phelps requires tactile type Braille. Specifically, the basis for the rejection is improper by selecting one aspect or feature of the book of Phelps (i.e. combined text and tactile type Braille on same page) while ignoring the fact that the Braille on the page of Phelps is a tactile type Braille when modifying the document of Bail.

More importantly, the modification of the document of Bail by the teaching by Phelps as proposed in the rejection is contrary and conflicts with the disclosure by Bail. Specifically, as shown in Figure 3, the bar code takes up the entire page being illustrated allowing no room for the addition of text. Further, Bail requires that "bar codes are not printed in conventional separate strips but touching the codes on adjacent lines. This ensures that an audible output is obtained from a scan at any point on the document providing only that the direction of scan is correct in relationship to the alignment of the bar codes." (See page 1, lines 100-105). Thus, there exists no margin or other location on the page disclosed by Bail to add printed matter such as printed text. In conclusion, to modify the page of Bail according to the rejection would defeat the intended or required configuration or arrangement of the document disclosed by Bail.

Further, it is noted that the removable page 4A disclosed by Phelps combines enlarge text for an impaired reader and tactile type Braille for an unsighted person. The normal sized text is printed on an opposite page away from and separate from the removable page. Phelps does not teach or suggest combining normal-sized text for a sighted person with Braille for an unsighted person on the same page, let alone combining normal-sized text for a sighted person with Braille type bar coding according to the claimed invention. Thus, the basis for rejection is also flawed for this reason.

Regarding amended claim 1, the page shown in Figure 3 of Bail does not have any margin, (i.e. bar code covers entire page), and the tactile type Braille shown on the card 4A in Figure 4 of Phelps is not located in the margin of the removable page 4A.

The Examiner states that “it would have been obvious to one having ordinary skill in the art at the time of the claimed invention to place the braille type bar code in any location on the page since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. *In re Gulack* 217 USPQ 401, (CAFC 1983).”

Amended claim 1 clearly sets forth a functional relationship between the claimed Braille type bar code and the claimed text. Specifically, the Braille type bar code “emulates” the normal-sized text for a sighted reader. For example, when the Braille type bar code is scanned

the printed text information is spoken and/or the illustrations are described providing a direct nexus between the Braille type bar code and the particular type of printed matter provided on the same page.

Evidence that the type or content of the printed matter (e.g. text) can be functionally related to the substrate is illustrated in claims 1, 5, and 6 of U.S. Patent No. 5,033,964 to Phelps.

Regarding claim 2, neither Bail or Phelps discloses a hand held scanner configured to scan and read Braille type bar code (e.g. two dimensional bar code or matrix type bar code) when placed in contact with the at least one page and then guided or slid along the upper surface and along the edge of the at least one page by a user. Specifically, the scanner of Bail is not capable of scanning the Braille type bar code according to the present invention. The ‘contact’ aspect of the claimed invention is disclosed at page 13, lines 1-4 of the specification, and shown in Figure 1 and 5 of the originally filed application.

Regarding claim 3, the one-dimensional bar code of Bail is read from left to right not top to bottom.

Regarding claim 4, neither Bail or Phelps discloses interlineating Braille type bar code between lines of printed matter.

Regarding claim 5, neither Bail or Phelps disclose over printing Braille type bar code relative to the printed matter.

Regarding claim 7, neither Bail or Phelps discloses using a binding edge of a book as a guide or index for a hand held scanner.

Regarding claim 8, neither Bail or Phelps discloses or suggests emulating printed text on the same side of a page with Braille type bar code.

Regarding claim 9, neither Bail or Phelps in particular disclose emulating or describing a picture with Braille let alone Braille type bar code according to the present invention.

Regarding claim 10, neither Bail or Phelps discloses a single line of Braille type bar code located on a page to emulate the printed matter on the page. Please note that the removable page 4A of Phelps does not show the paragraph beginning with “Mary had a little lamb” being emulated with the tactile type Braille, but only the underlines title, since there is not sufficient space on the removable page for the entire text.

Regarding claim 11, neither Bail or Phelps discloses matrix type bar code.

Regarding claim 12, neither Bail and in particular Phelps discloses Braille or Braille type bar code at multiple locations on a page.

Regarding claim 13, the page of Bail does not have a margin, the page of Phelps has a blank margin.

Regarding claim 15, neither Bail or Phelps discloses two dimensional type bar code.

Regarding claim 16, neither Bail or Phelps discloses multiple types of Braille type bar codes.

Regarding claim 17, the scanner of Bail is not capable of contacting the page and scanning the linear high density multi-dimensional type bar code.

Regarding claim 19, neither Bail or Phelps discloses simultaneously printing text and bar coding let alone text and Braille type bar code according to the present invention.

Regarding claim 20, the removable page 4A of Phelps does not use normal-sized text for a sighted reader.

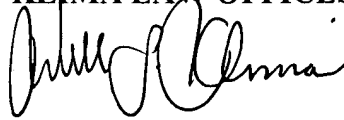
In view of the above amendments and remarks, it is believed that the claims are in condition for allowance and allowance is respectfully requested.

It is not believed that an Extension of Time is required, however, in the event that an Extension of Time is necessary to prevent abandonment of this application, then such Extension of Time as necessary are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 11-1243.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment to our Deposit Account No. 11-1243.

Respectfully submitted

KLIMA LAW OFFICES, P.L.L.C.

A handwritten signature in black ink, appearing to read 'William L. Klima', written over the printed name.

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